REMARKS

In the Official Action mailed on **13 July 2007**, the Examiner reviewed claims 1-25. The disclosure is objected to. Claims 1-12 were rejected under 35 U.S.C. § 101. Claims 1-25 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting. Claims 1, 2, 7, 8, 13, 16, 17, and 21 were rejected under 35 U.S.C. § 102(b) based on Hermann, Reto (EPO Publication No. EP1024626A1 hereinafter "Hermann"). Claims 3-6, 12, 14, 18-20, and 25 were rejected under 35 U.S.C. § 103(a) based on Hermann, and Harrisville-Wolff et al. (US Pub. No. 2004/0030887 hereinafter "Harrisville-Wolff"). Claims 10, 11, 23, and 24 were rejected under 35 U.S.C. § 103(a) based on Hermann, Thompson et al. (US Pub. No. 2002/0022483 hereinafter "Thompson"), and Harrisville-Wolff.

Objections to the Specification

Examiner objected to the specification because reference numbers in the specification needed to be updated to reflect applications that had matured into patents.

The references to applications provided in pages 1-2 of the specification have been updated to reflect applications that have matured into patents. Applicant respectfully submits that this amendment to the specification obviates the objection.

Rejections under 35 U.S.C § 101

Examiner has rejected claims 1-12 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant has amended claim 1 to clarify that the method is executed **in a provisioning device in a networked computer system** to provision a network device. These amendments find support in

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paragraphs [0040] and [0131] of the specification. Applicant respectfully submits that these amendments overcome the rejection under 35 U.S.C § 101 to claims 1-12.

Rejections on the Ground of Non-Statutory Obviousness-Type Double Patenting

Claims 1-25 were provisionally rejected on the ground of non-statutory obviousness-type double as being un-patentable over claims 1, 2, 5-7, 10, 17 of co-pending Application No. 10/656,550, and in view of claims 1, 2 of co-pending Application No. 10/656,439. Applicant respectfully submits attached terminal disclaimer to obviate the above non-statutory obviousness-type double patenting rejection.

Rejections under 35 U.S.C. § 102(b)

Claims 1-2, 7-8, 13, 16-17, and 21 were rejected as being anticipated by Hermann. Applicant respectfully disagrees. Applicant points out that the system of Hermann is limited to communication between two devices that are in proximity to one another using a single proximity-based channel.

In embodiments of the present invention, the provisioning information used to provision a network device comprises **a first provisioning information that is provided to the network device over the preferred channel, and other provisioning information that is provided to the network device over a second channel** (see paragraph [0090] of the specification). In these embodiments, the preferred channel is only required to demonstrate identification and authenticity properties such as proximity between the provisioning device and the network device, while the second channel can be used to exchange other provisioning information.

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This is beneficial because the preferred channel can be used to send just enough provisioning information to bootstrap subsequent communication between the network device and the provisioning device. This allows for flexibility in terms of mobility for the network device because when the network device has completed bootstrapping, the channel of communication between the network device and the provisioning device can be the second channel (see instant application, par. [0052] – [0054]). The second channel does not require a close physical context such as is required by the preferred channel to enable communication (e.g., infrared signals, short wires, or audio signals), so using the second channel can significantly increase mobility.

There is nothing, either explicit or implicit, in the system of Hermann that describes the use of both a preferred channel that has a proximity property **that is used to exchange a first provisioning information, as well as a second channel that exchanges other provisioning information**. The system of Hermann requires that **communication between devices use a channel that is proximity-based** (see paragraph 35, lines 52-53 of Hermann). It is not possible to use the system of Herman to bootstrap communication between the network device and the first device using a channel that requires the device to be proximal to the provisioning device, **and also exchange further provisioning information that uses a second channel that does not require proximity between the network device and the provisioning device.**

Accordingly Applicant has amended independent claims 1, 13, and 16 to clarify that the provisioning information used to provision a network device comprises a first provisioning information that is provided to the network device over the preferred channel, and other provisioning information that is provided to the network device over a second channel. These amendments are supported in paragraph [0090] of the specification. Independent claim 13 has also been amended to correct a typographical error. No new matter has been added.

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Hence, Applicant respectfully submits that independent claims 1, 13, and 16 as presently amended are in condition for allowance. Applicant also submits that claims 2-12 which depend upon claim 1, claims 14-15, which depend upon claim 13, and claims 17-25, which depend upon claim 16, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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